

APPEAL NO. 172918
FILED JANUARY 10, 2018

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 25, 2017, in (city), Texas, with (administrative law judge) presiding as the administrative law judge (ALJ). The ALJ resolved the disputed issues by deciding that: (1) the compensable injury of (date of injury), extends to bilateral wrist sprains/strains and a cervical sprain/strain; (2) the compensable injury of (date of injury), does not extend to cervical radiculopathy, left shoulder internal derangement, right wrist carpal tunnel,¹ right arm cubital tunnel, C4-5 moderate hypertrophy of uncinated process, C4-5 facet arthropathy, C4-5 spondylosis, left shoulder impingement syndrome, left shoulder tendinosis, left shoulder outlet stenosis, left shoulder arthrosis, right elbow contusion, bilateral hand contusions, or bilateral knee contusions; (3) the appellant (claimant) reached maximum medical improvement (MMI) on November 13, 2015; and (3) the claimant's impairment rating (IR) is five percent. The claimant appealed, disputing the ALJ's determinations of extent of injury that were not in her favor, MMI and IR. The claimant contends that the determinations of the ALJ are against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance of the disputed extent of injury, MMI, and IR determinations.

The ALJ's determination that the compensable injury of (date of injury), extends to bilateral wrist sprains/strains and a cervical sprain/strain was not appealed and has become final pursuant to Section 410.169.

DECISION

Affirmed as reformed.

The parties stipulated, in part, that the claimant sustained a compensable injury on (date of injury); and that (Dr. H) was appointed by the Texas Department of Insurance, Division of Workers' Compensation to determine MMI, IR, extent of injury, and return to work. A review of the record reflects that the parties stipulated that the compensable injury of (date of injury), extends to at least left shoulder strain, a right rib sprain/strain, and a chest sprain/strain. We note that the ALJ mistakenly stated at stipulation 1.E. that the parties stipulated that the compensable injury extends to a right hip sprain/strain rather than a right rib sprain/strain. We reform stipulation 1.E. to include a right rib sprain/strain rather than a right hip sprain/strain to conform to the

¹ We note the opening paragraph of the decision and order and various places in the discussion identify this condition as right wrist carpal tunnel syndrome but everywhere else in the decision the condition is identified simply as right wrist carpal tunnel.

actual stipulation of the parties. We note that there are two stipulations identified as 1.F. in the decision and order. The record reflects that the claimant was injured when she fell at work.

EXTENT OF INJURY

The ALJ's determination that the compensable injury of (date of injury), does not extend to cervical radiculopathy, left shoulder internal derangement, right wrist carpal tunnel, right arm cubital tunnel, C4-5 moderate hypertrophy of uncinated process, C4-5 facet arthropathy, C4-5 spondylosis, left shoulder impingement syndrome, left shoulder tendinosis, left shoulder outlet stenosis, left shoulder arthrosis, right elbow contusion, bilateral hand contusions, or bilateral knee contusions is supported by sufficient evidence and is affirmed.

MMI

The ALJ's determination that the claimant reached MMI on November 13, 2015, is supported by sufficient evidence and is affirmed.

IR

The ALJ's determination that the claimant's IR is five percent is supported by sufficient evidence and is affirmed.

The true corporate name of the insurance carrier is **ACE AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
1999 BRYAN STREET, SUITE 900
DALLAS, TEXAS 75201-3136.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge